

12/18/01 31059 U.S. PTO

12-27-01

Express Mail No.
EL392171404US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Viken, James P.)	Attorney Docket: 23,318-40
)	
Serial No.:)	Art Group Unit:
)	
Filing Date:	December 18, 2001)	Examiner:
)	
Title:	Complete Fluid Exchange System)	
	For Automatic Transmissions)	

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31011 U.S. PTO
10/026137
12/18/01

Honorable Commissioner of Patents
U.S. Patent and Trademark Office
Box Patent Application
P.O. Box 2327
Arlington, VA 22202

Dear Sir or Madam:

TRANSMITTAL

Enclosed herewith are the following items:

1. Specification (31 pages);
2. Drawings (3 sheets);
3. Check in the amount of \$622.00 for Utility Application filing fee;
4. Declaration, Power of Attorney, and Petition (3 pages);
5. Statement in Support of Petition to Make Special Because of Actual Infringement (1 page);
6. Check in the amount of \$130.00 for Petition to Make Special fee; and
7. Return receipt post card.

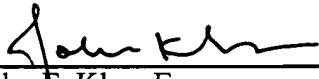
Applicant claims small entity status.

Applicant hereby petitions to make this application special because of actual infringement.

Please charge any further fees necessitated by this correspondence, or credit any overpayment to Deposit Account 50-1212 (JFK/23,318-40).

Respectfully submitted,
James P. Viken, by his attorneys

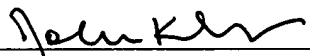
Dated: December 18, 2001

By: 
John F. Klos, Esq.
Registration No. 37,162
Fulbright & Jaworski L.L.P.
225 South Sixth Street, Suite 4850
Minneapolis, MN 55402-4320
Telephone: (612) 321-2806

Certificate of Express Mailing

Pursuant to 37. C.F.R. 1.10, I hereby certify that this Communication and attached papers are being deposited with the United States Postal Service by "Express Mail Post Office to Addressee" service addressed to Honorable Commissioner of Patents, U.S. Patent and Trademark Office, Box Patent Application, P.O. Box 2327, Arlington, VA 22202 on the date of deposit and under the Express Mailing Label number indicated below.

Date of Deposit: December 18, 2001
Express Mail No. EL392171404US


John F. Klos, Esq.

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**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)**

I, John F. Klos, of Fulbright & Jaworski L.L.P., 225 South Sixth Street, Suite 4850,
Minneapolis, Minnesota 55402-4320, Registration No. 37,162, telephone No. (612) 321-2806, am the
practitioner in this case and make the following statements:

1. There are infringing devices or products actually on the market. MotorVac Technologies, Inc., 1431 S. Village Way, Santa Ana, California, has previously made, used, and/or sold and continues to make, use, or sell its TRANSTECH Transmission Service System (the "TRANSTECH device").
2. I have made a rigid comparison of the MotorVac TRANSTECH device with the claims of this application.
3. That, in my opinion, some of the claims on file in this application are unquestionably infringed by the TRANSTECH device.
4. I have made a search of and have a good knowledge of the pertinent prior art. All such material art was provided to the Examiner in a respective Information Disclosure Statement, mailed April 19, 2001, in Application No. 08/772,836.

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Respectfully submitted,
James P. Viken, by his attorneys

Dated: December 18, 2001

By: John F. Klos
John F. Klos, Esq., Reg. No. 37,162
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